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PLANNING & BUILDING

Cody Scheel, Planner

County file number: DRC2014-00028

Assessor Parcel Number 038-6810-015

Hearing Date December 5, 2014 at 9:00a.m.

Dear Mr. Scheel,

We have concerns about the request by Ernest Pervolski and Teri L. Abbey for a minor use permit that would allow this property to be used as a vacation rental. We own the property next door and know from personal experience that short term rentals can be a source of many neighborhood problems and often rules are poorly enforced. After our conversation and subsequent examination of the code sections that would apply to this property, we are better informed but still wish to register our concerns. We currently live near a vacation rental in Cypress Ridge and none of our efforts seem to work to correct the violations.

Here are some of our concerns:

The property may be rented for 4 people who park in the garage but then 12 cars full of friends and family show up for the party which lasts into the night and the guests park throughout the neighborhood.

We have contact information for the owners but they are not cooperative—so sorry-sue me attitude.

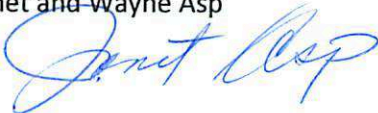
The trash cans roll out Sunday afternoon and stay out until Friday trash day.

If water is a problem, will these rentals encourage more usage?

We will not be available for the hearing that is scheduled for December 5, 2014 at 9:00a.m. We would request that the hearing officers consider our concerns as these types of rentals seem to be increasing.

Thank You,

Janet and Wayne Asp



APN:038-681-016

2390 Brant St. Arroyo Grande, Ca. 93420

805 474-0521

smartasp@charter.net

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WY 1 1966

PLANNING & ZONING

PLANNING & ZONING
1000 10th St. N.W.
Washington, D.C. 20004
Tel. 202-638-2200

1000 10th St. N.W.

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Washington, D.C. 20004
Tel. 202-638-2200

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**Fw: DRC2014-00028 Vacation Rental Applications
Requirements/Restrictions/Rules**

Cody Scheel to: Donna Hernandez

Cc: Mike Wulkan

12/01/2014 12:30 PM

Hi Donna,

Can you please add the below email to correspondence for Perevoski?

Cody Scheel
County Planner - Current Planning

County of San Luis Obispo
Department of Planning & Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408
(805) 781-5157
cscheel@co.slo.ca.us

----- Forwarded by Cody Scheel/Planning/COSLO on 12/01/2014 12:29 PM -----

From: Marie Smith <mailmarie@charter.net>
To: Cody Scheel <cscheel@co.slo.ca.us>
Date: 12/01/2014 11:11 AM
Subject: DRC2014-00028 Vacation Rental Applications Requirements/Restrictions/Rules

Please forward this to the hearing officer for his consideration:

This is for vacation rental application:

DRC2014-00028 Perevoski 672 Santa Lucia Ave., Los Osos. APN: 038-681-015.

* This particular vacation rental is located on the quieter, more protected area of the National Estuary which should remain as undisturbed as possible.

Since I haven't been able to find out if there are any requirements/restrictions/rules for these vacation rentals, I will now submit a list:

1. education of vacation renters about protection of our National Estuary, located on the Pacific Flyway, and its' lifeforms: need to address boating, walkers, dogs
2. address advertisement requirements:
i.e. "quiet residential" vs "perfect for large group gatherings"
3. address the water issue: these individuals will not equate their "hotel" bill with the need to ration water (our water bills remind us if nothing else does!)
(gatherings of people use more water) We are dealing with salt water intrusion, and recent major water changes. For us it is a real question of whether we will run out of water, visitors have no stake in this problem!
4. control of noise, even during daytime!
5. control of smoke: gatherings of people tend to smoke outside and have cookouts
6. control of the number of times that this building can be rented out per month - neighbors have to constantly adjust to new groups of people, (the extended family feeling is gone, with it the predictability!)

7. control of number of people able to occupy this building at any one time
8. screening of people occupying/using this house: since this is a transient use(advertised on the internet to the world) in an existing residential neighborhood, extreme caution should be taken

Please note: These particular vacation rentals are even more important because within one month we have will have three applications for vacation rentals on the waterfront, where there are now non permitted. This is not an ocean front occupancy, but located on a fragile National Estuary. This small area is still highly undeveloped and enjoyed by many walkers. There are 7 accesses/overlooks within it. When we develop the large number of lots which have recently gotten sewer hookups and the 2nd and 3rd street Commercial areas we are looking at an abundance of people/(and their dogs) using a fragile area.

Thank you for considering these ideas,
Marie Smith
Los Osos



**Fw: an addendum to "a mistake and lessons learned! projects
DRC2014-00023, DRC2014-00028 and DRC2014-00030"**

Cody Scheel to: Donna Hernandez

12/01/2014 08:05 AM

Cody Scheel
County Planner - Current Planning

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Department of Planning & Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408
(805) 781-5157
cscheel@co.slo.ca.us

----- Forwarded by Cody Scheel/Planning/COSLO on 12/01/2014 08:05 AM -----

From: Marie Smith <mailmarie@charter.net>
To: Kerry Brown <KBrown@co.slo.ca.us>
Cc: Cody Scheel <cscheel@co.slo.ca.us>, Mike Wulkan <mwulkan@co.slo.ca.us>
Date: 10/24/2014 09:30 PM
Subject: an addendum to "a mistake and lessons learned! projects DRC2014-00023, DRC2014-00028 and DRC2014-00030"

Hello Kerry,

Thank you for attending the LOCAC meeting.

Please also forward this email for the county review of these three vacation rental applications and please add my observations to the LO Community Plan/LOCAC review process for any future vacation rentals applications.

Thank you, Marie

Hello County,

Because presently there are no permitted vacation rentals on the Baywood Peninsula, I addressed the fact in my last email that permitting **three** Bayfront vacation rentals at one time on the Peninsula might be unwise because of **unknown accumulative environmental impacts** on The Morro Bay National Estuary's lifeforms.

*** I forgot to include the fact that this fragile, important National Estuary already faces a **large unknown environmental impact from the body of land it surrounds, the Baywood Peninsula - the effect of large numbers of people.** The peninsula consists of a yet undeveloped business district with two Inns and a neighborhood with a high percentage of empty residential lots with sewer hookups. Since this area has several bay overlooks and public access points it is already a popular destination, enjoyed by a great number of people! The question is how many people can this area accommodate without a detrimental effect on the neighborhood or the estuary's lifeforms.

Since I sent the last email, I walked the shoreline of this Peninsula. As I was thinking more about this subject, I noticed steps from some of the homes leading to the shore with canoes/kayaks "parked" on the shoreline and realized that the proposed vacation rentals need to be evaluated not only for the added number of people walking/fishing/dogs along the shoreline but also for their increased boating access. Activity on the shoreline and boating in certain areas

of the bay are a concern for the Brant Geese and other birds, especially during the winter months. During hunting season I believe that the area to the north and east of the Peninsula is a no hunting area, an area where the birds can rest and eat along the shoreline and in the bay. Even if they don't get scared into the hunting zone and get shot, every time they are disturbed when eating or resting we effect their lifespan. Two of the vacation rentals are located in this small safe zone and to approve them without any environmental impact consideration seems unwise: DRC2014-00028 Perevoski 672 Santa Lucia Ave., Los Osos. APN: 038-681-015.

DRC2014-00030 Rutledge 656 Santa Lucia Ave., Los Osos. APN: 038-681-018.

Not only should we be concerned about steps to the bay with boats waiting, but also we need to look at the houses themselves: do they sit up high and back or do they hang out close to the Estuary's shoreline? i.e. DRC2014-00030 Rutledge 656 Santa Lucia Ave., Los Osos. APN: 038-681-018. is located out in front of the other houses, closer to the Estuary and it has private boating and bay access into the estuary's safety zone. Because of this forward location of the dwelling on the lot, it also has an extra long driveway plus an additional on-site parking spot which can accommodate more people. This made me aware that even trying to restrict the number of people who can visit by using the off the street parking requirements will still vary by lot/dwelling placement design.

I asked and was told that restrictions on the number of people staying in a vacation rental was based on the number of bedrooms plus 2 more, but there were no restrictions on the number of visitors.

If the Peninsula becomes a vacation rental spot for large group gatherings, what will the consequences be for nature? We need to not only evaluate each application as an individual property, but also include the surrounding district for any cumulative repercussions on this NATIONAL ESTUARY located on the PACIFIC FLYWAY!

Thank you for considering my thoughts, Marie Smith L.O.



**Fw: a mistake and lessons learned! projects DRC2014-00023,
DRC2014-00028 and DRC2014-00030**

Cody Scheel to: Donna Hernandez

12/01/2014 08:05 AM

Cody Scheel
County Planner - Current Planning

County of San Luis Obispo
Department of Planning & Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408
(805) 781-5157
cscheel@co.slo.ca.us

— Forwarded by Cody Scheel/Planning/COSLO on 12/01/2014 08:05 AM —

From: Marie Smith <mailmarie@charter.net>
To: Vicki Milledge <vickilocacchair@earthlink.net>, Kerry Brown <KBrown@co.slo.ca.us>
Cc: Cody Scheel <cscheel@co.slo.ca.us>, Mike Wulkan <mwulkan@co.slo.ca.us>
Date: 10/12/2014 12:59 PM
Subject: a mistake and lessons learned! projects DRC2014-00023, DRC2014-00028 and DRC2014-00030

Reference:

Proposed minor use permit to allow use of a single family residence as a vacation rental for three sites:

projects DRC2014-00023 Viola 1161 Pasadena Dr., Los Osos. APN: 038-731-007.

DRC2014-00028 Perevoski 672 Santa Lucia Ave., Los Osos. APN: 038-681-015.

DRC2014-00030 Rutledge 656 Santa Lucia Ave., Los Osos. APN: 038-681-018.

Hello LOCAC and County,

When I recently wrote emails about vacation rentals on the Baywood Peninsula I did not realize that there were 3 to be evaluated at the same time for the same important area of Los Osos! This further emphasizes the **need for caution** because consequences are accumulative. We do not yet know the effect of full time vacation rentals in this area on the neighbors, the community who uses this area for walking, or on the wildlife and birds of our National Estuary which is located on the Pacific Flyway. Since the consequences are unknown, it seems imprudent to approve **three** vacation rentals in the same sensitive area at once. If vacation rentals are to occur in LO, I also continue to believe that **each application for vacation rental should be looked at on site** and closely evaluated for how it is situated on the property in relationship to neighbors, the community and our nature resources. I feel that looking at a map helps, but does not tell the whole story. Walk and enjoy this area and see what is happening and imagine the changes requested! Not only now, but project into the future.

A general comment for all of LO: I think that we also need to remember that, in today's world, these vacation, short term, rentals are advertised not just by word of mouth but on the Internet. And we are thinking about adding these short term rentals into our neighborhoods where people are trying to raise their families. The safety and health of our children is of utmost importance. Careful screening of everyone who is to use the vacation rental is important. Instead of a sense of belonging to an extended

family (their neighbors) we need to evaluate what will be the impact on their daily lives by constantly having groups of new people as neighbors. Health issues from smoke and noise disturbances should be addressed. I recently talked to a home-bound woman who needs her privacy and peace with nature in her yard to survive. Please be aware of these people when considering vacation rental permits.

Thank you,
Marie Smith



**Fw: projects DRC2014-00023 VIOLA 1161 Pasadena Drive and
DRC2014-00028 PEREVOSKI 672 Santa Lucia**

Cody Scheel to: Donna Hernandez

12/01/2014 08:04 AM

Cody Scheel
County Planner - Current Planning

County of San Luis Obispo
Department of Planning & Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408
(805) 781-5157
cscheel@co.slo.ca.us

----- Forwarded by Cody Scheel/Planning/COSLO on 12/01/2014 08:04 AM -----

From: Marie Smith <marie.s@charter.net>
To: Cody Scheel <cscheel@co.slo.ca.us>
Date: 09/24/2014 04:22 PM
Subject: projects DRC2014-00023 VIOLA 1161 Pasadena Drive and DRC2014-00028 PEREVOSKI
672 Santa Lucia

projects DRC2014-00023 VIOLA, 1161 Pasadena Drive, LO
DRC2014-00028 PEREVOSKI, 672 Santa Lucia, LO

Hello Cody,

The following are the comments that I submitted to LOCAC which I want you to have too! Marie

Hello LOCAC, here are my comments about the vacation rental proposals to be discussed at the September 25th meeting.

1. I am puzzled by the request for a vacation rental at 1161 Pasadena Drive because this home is part of Tract 40. This tract is in Richard Stuart Otto's will, and in the deed of Executrix (1973) by Shirley Jean Otto, under #2. Land Use and Building Type: **"no lot shall be used except for residential purposes..."**

2. interesting background: this area was once designated to be a park, an area of quiet and peace for nature and mankind as indicated in an old map. This map used to be in the LO library but was moved to the reference section of the SLO library or to the historical museum in SLO (by the mission). And, as indicated in Richard Stuart Otto's will, this park area morphed into a residential only neighborhood.

3. 672 Santa Lucia, although not in Tract 40, is still in the same area, a peaceful residential neighborhood. Let us not turn this area into a commercial hotel area where the feeling of being a family, that exists among neighbors who know and depend on each other, is lost.

4. This feeling of being connected extends to the people of Los Osos and their friends who daily use this peaceful, quiet area for walking and visiting. This neighborhood area needs to be protected from the noise, traffic, and air pollution of commercialization so that this feeling of community continues.

5. This location, on the Pacific Flyway, is also an important area to protect for nature. We should not disturb the birds or wildlife when they are resting or eating so that they can survive. A particular sensitive area is on the bay near the SW corner of Pasadena Drive. In the winter this is a Brant Geese gritting site. Easy access to the bay walk is near both homes that are proposed to be vacation rental houses, and which can be advertised world wide on the internet! It is hard to let people know about the special requirements of nature if they are just here for a day. If they are staying in the Inns or with a

family then they have a chance to be told, but if they are in vacation rentals who is going to let them know?

Basically the issue boils down to the usual:

It is not just one event that we are talking about, but the accumulation of events.

So please think carefully before making any decision about vacation rentals, because the peace that is necessary for the survival of people and nature is again in your hands.

Thank you for considering my comments,

Marie Smith, L.O.



Fw: HEARING ON PEREVOSKY & ABBEY

Cody Scheel to: Donna Hernandez

Cc: Mildred Miyazaki

12/04/2014 08:01 AM

Hi Donna,

Can you please add this correspondence to the Perevoski hearing item?

Thanks,

Cody Scheel
County Planner - Current Planning

County of San Luis Obispo
Department of Planning & Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408
(805) 781-5157
cscheel@co.slo.ca.us

----- Forwarded by Cody Scheel/Planning/COSLO on 12/04/2014 08:00 AM -----

From: Mildred Miyazaki <miyazakiz@yahoo.com>
To: "Cscheel@co.slo.ca.us" <Cscheel@co.slo.ca.us>
Cc: Dean Miyazaki <dmiyazak@yahoo.com>, "ta441974@gmail.com" <ta441974@gmail.com>
Date: 12/04/2014 07:40 AM
Subject: HEARING ON PEREVOSKY & ABBEY

Dear Mr. Scheel,

Attached and below is information regarding the Perevosky hearing. Please provide a copy to the hearing officer in advance of the hearing on Friday, December 5. I will be speaking on this information at the hearing. Thank you for your assistance.

Mildred Miyazaki

Hearing Officer
County of San Luis Obispo
Planning & Building Dept.
976 Osos St., Room 300
San Luis Obispo, CA 93408

December 3, 2014

Re: Minor Use Permit by Ernest Perevosky & Terri L. Abbey

Dear Sir or Madam,

We oppose the granting of a Limited Use Permit (vacation rental) on this property. We know that staff recommendation is to grant the permit but ask that you give consideration to the

following in making your final decision.

This property is located at 672 Santa Lucia Avenue on the Baywood Park peninsula. Santa Lucia begins at the Audubon Overlook at 4th Street becomes Pasadena at 1st Street and rims around the peninsula to other end of 1st Street (where it becomes Santa Maria), a distance of slightly more than half a mile.

This stretch consists of 43 single family homes and an estimated 21 empty lots, almost evenly divided on the water and inland sides of the streets. There are two public accesses to the water. Some residences are second homes with part-time occupancy. Many are year-round homes, and a few are long-term renters. Most are usually occupied by three or fewer adults. There are currently no known legal vacation rentals.

Pasadena and Santa Lucia are well used by locals and visitors for running, jogging, walking and dog walking and public the access on the bay end is used for fishing and launching small self-propelled water craft.

672 Santa Lucia is located on the water side of the peninsula between 2nd and 3rd Streets. The lots here are only 50 feet wide and houses are very close together. Bordering on the east is a vacant lot. Bordering on the west is 670 which is our full time residence. Bordering us on the west is 656 a house which has been an illegal vacation rental for more than a year, and for which the owners (Rutledge) have applied for a Limited Use Permit. The hearing on the permit will be heard on December. 672 is approximately two long blocks from 1161 Pasadena, another Limited Use Permit (Viola) which is on Consent for December 5th.

This property backs up to the estuary and has stairs that lead down to the water's edge. The residence is within the Morro Estuary Natural Preserve and its 800-acre wetlands are home to dozens of endangered species. This bird sanctuary is home to more than 250 species of land, sea, and shore birds, both migratory and resident. We have observed the disturbance to the birds from even small noises such as dogs barking or doors slamming or leaf blowers. However, this property is exempt from CEQA and no Environmental Impact Report (EIR) was required or performed.

This property is subject to the building moratorium (sewer) and water conservation (drought). Vacation rentals by nature increase water consumption and sewer output.

There is no ordinance on vacation rentals in Los Osos and no limits on density or proximity. There are 21 houses on the water side of the street. Of the 21, three applications for permits will be heard in December. That is 14% of the houses in just one month! (We will be sandwiched between two of them).

The issue of vacation rentals is being reviewed by the Land Use Committee which may have input to the Los Osos Community Plan currently being developed.

In light of the aforementioned facts, we request that approval of this Permit be denied. In lieu of denial we request that some steps be taken to lessen the negative impact on us, the neighborhood and the environment

1. Postpone action until the Community Plan is finalized.
2. Postpone action until the sewer is connected.
3. Require a full Environmental Impact Report EIR before the Permit is granted.

At the very least, we request that you limit rentals to two per month. We have discussed this solution with our neighbors, the applicants and owners of 672 Santa Lucia and they agreed that this was a reasonable request and would not oppose this restriction.

We appreciate your attention and kind consideration of our position. Thank you.

Mildred & Dean Miyazaki
670 Santa Lucia Ave.
Los Osos, CA 93402



Hearing Officer.docx



**Fw: ALERT: Re: Vacation Rental Applications
Requirements/Restrictions/Rules**
Cody Scheel to: Donna Hernandez

12/05/2014 07:25 AM

This one too please?

Thanks,

Cody Scheel
County Planner - Current Planning

County of San Luis Obispo
Department of Planning & Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408
(805) 781-5157
cscheel@co.slo.ca.us

----- Forwarded by Cody Scheel/Planning/COSLO on 12/05/2014 07:25 AM -----

From: Marie Smith <mailmarie@charter.net>
To: Cody Scheel <cscheel@co.slo.ca.us>, Mike Wulkan <mwulkan@co.slo.ca.us>
Date: 12/05/2014 07:08 AM
Subject: Fwd: ALERT: Re: Vacation Rental Applications Requirements/Restrictions/Rules

Sorry, I forgot one of our main considerations, the effect of more people using our depleting water (with salt water intrusion).

Begin forwarded message:

From: Marie Smith <mailmarie@charter.net>
Subject: ALERT: Re: Vacation Rental Applications Requirements/Restrictions/Rules
Date: December 5, 2014 at 6:38:00 AM PST
To: Cody Scheel <cscheel@co.slo.ca.us>, Mike Wulkan <mwulkan@co.slo.ca.us>

Hello Cody,

It is my understanding that comments are still accepted by the hearing officer for both DRC2014-00023 Viola 1161 Pasadena Dr and DRC2014-00028 Perevoski 672 Santa Lucia Ave. It appears from your answer that there are no real controls over the number of people that can affect the neighborhood and the environment of our National Estuary located on the Pacific Flyway. In a normal neighborhood, people have guests only occasionally. With a vacation rental, located on the Peninsula there could be an adverse affect on both. Please have him include some words to protect the neighborhood and nature or deny the projects.

Thank you,

Marie Smith, Los Osos

On Dec 4, 2014, at 3:56 PM, cscheel@co.slo.ca.us wrote:

Hi Marie,

The maximum number of people applies to people staying overnight. However all vehicles associated with the rental are to be parked in the garage, driveway, or otherwise out of the roadway (including temporary guest).

Cody Scheel
County Planner - Current Planning

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cscheel@co.slo.ca.us

From: Marie Smith <mailmarie@charter.net>
To: cscheel@co.slo.ca.us
Date: 12/01/2014 04:57 PM
Subject: Vacation Rental Applications Requirements/Restrictions/Rules

Hello Cody,
Thank you for the information.

I noticed the statement

2. The maximum number of occupants allowed in the residential vacation rental shall not exceed the number of occupants that can be accommodated consistent with the onsite parking requirement, and shall not exceed two persons per bedroom plus two additional persons, or eight persons total.

Is this the number of people who are allowed in the vacation rental at any one time or does this apply only to the individuals who will stay overnight?

It would be difficult if it becomes a "party house". The restrictions on parking do not restrict the number of people coming in cars, or walking in from the street.

Marie

On Dec 1, 2014, at 12:21 PM, cscheel@co.slo.ca.us wrote:

I will forward both of you emails to the hearing officer. You mention that you haven't been able to find any requirements/restrictions/rules. Our recommended requirements/restrictions/rules can be found in the "Conditions of Approval" section of the staff reports (please see attached).

Cody Scheel
County Planner - Current Planning

County of San Luis Obispo
Department of Planning & Building
976 Osos Street, Room 300
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To: Cody Scheel <cscheel@co.slo.ca.us>
Date: 12/01/2014 11:11 AM
Subject: DRC2014-00028 Vacation Rental Applications Requirements/Restrictions/Rules

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Thank you for considering these ideas,
Marie Smith
Los Osos

[Scanned @co.slo.ca.us]

[attachment "Viola_12-5-14_PDH_Stf Rpt_BR_FIN.pdf" deleted by Cody Scheel/Planning/COSLO] [attachment "Perevoski & Abbey_12-5-14_PDH_Stf Rpt_BR_FIN.pdf" deleted by Cody Scheel/Planning/COSLO]

[Scanned @co.slo.ca.us]